

U.S.S.N. 09/960,691

REMARKS - General**Claim Rejections Under 35 USC §102:**

The most recent Office Action (OA) rejects claims 1-4 and 6-12 as being anticipated by Kazuhiko et al., Japanese Published Application No. 2000-244342, hereinafter "Kazuhiko". Specifically the OA submits that Kazuhiko teaches an apparatus for directing a RF Tx signal within a specific Tx band to a separate path, the separate path including a first filter and a second filter based upon a channel assignment of the Tx signal within the specific Tx band, citing paragraph 0016 of Kazuhiko. Applicants respectfully traverse this rejection.

With respect to claims 1-4 and 6-8, in making the traversal, Applicants respectfully submit that Kazuhiko teaches directing a Tx signal from *two distinct Tx bands* into band pass filters *associated with the respective Tx bands*. By contrast, Applicants teach a circuit for eliminating fold over noise *within a specific Tx band* by subdividing the specific Tx band into sections and directing the signal within the specific Tx band to the appropriate sub-Tx band filter.

In other words, Kazuhiko teaches sending a first Tx band to a first filter that corresponds to the boundaries of the first Tx band, and sending a second Tx band to a second filter that corresponds to the boundaries of a second Tx band. Kazuhiko expressly teaches this at several sections of his disclosure. First, at paragraph 0018, Kazuhiko states (according to Applicants' translation), "A frequency band is divided ... with *two or more transmit-frequency bands*." Additionally, in FIG. 5, Kazuhiko describes band 504 as a "first transmit frequency band", while band 505 is a "second transmit frequency band". Note that band 506 is not a transmit band, but is rather the "pass band 506 of the band pass filter in the sending circuit of the conventional cellular phone." This sending circuit pass band, by definition, must cover the multitude of transmit bands within which the phone is able to transmit.

By contrast, Applicants recite band pass filters that have pass band frequencies that are specifically within a specific transmit frequency band. For example, in the specification, at page 5, lines 20-27, Applicants discuss removing fold over noise within

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the Tx pass band due to the power amplifier by bifurcating the specific transmit frequency into two sections that have different fold over effects. As an illustrative example, at page 6, line 29 through page 7, line 28, in the transmit frequency band of 1850-1910 MHz, the pass bands of the band pass filters to eliminate fold over noise from the power amplifier may be 1850 to 1890 MHz and 1890 to 1910 MHz, respectively.

Accordingly, Applicants have amended claim 1 to recite the first band pass filter having a first pass band within the specific Tx band and the second band pass filter having a second pass band also within the specific Tx band. Support for the amendment is found on page 6, lines 14-21 of the specification and in claim 9 as originally filed. Applicants respectfully request reconsideration of the rejection.

With respect to claims 9, Applicants respectfully traverse the rejection per the comments above. Specifically, Applicants note that claim 9 recites "...a first filter...having a first pass band within the Tx band..." and a second filter "...having a second pass band different from the first pass band within the Tx band..." As noted above, Applicants respectfully submit that Kazuhiko fails to teach such a division of a transmit band into multiple pass bands. Applicants respectfully request reconsideration of the rejection.

With respect to claims 10-12, Applicants respectfully traverse the rejection per the comments directed to claim 1 above. Applicants respectfully submit that Kazuhiko fails to teach a plurality of paths within a specific transmit signal. Accordingly, Applicants respectfully request reconsideration of the rejection.

Claim Rejections under 35 USC §103:

The OA rejects claim 5 under §103 as being unpatentable over Kazuhiko in light of Phillips et al., US Pat. No. 5,876,535, hereinafter Phillips. Specifically, the OA submits that Kazuhiko teaches the limitations of claim 5, except for where the first pass band and second pass band, both being within the Tx band, overlap. The OA submits that Phillips teaches overlapping pass bands at col. 19, lines 59-62. Applicants respectfully traverse the rejection.

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In making the traversal, Applicants respectfully submit that the combination fails to teach all of Applicants' claimed limitations, as is required by MPEP §2143.03. Specifically, Applicants respectfully submit that neither Kazuhiko nor Phillips teaches multiple band pass filters, each having pass bands within a specific Tx band, as is claimed by Applicants in claim 1, from which claim 5 depends. Applicants have noted this fact with respect to Kazuhiko per the comments directed to claim 1 above. Phillips merely teaches a series of low pass filters for general sections of spectrum (e.g. 88-447 MHz, col. 19, line 55) to eliminate some general broadband noise. Neither reference teaches band pass filters within a specific Tx band that may be used to eliminate fold over noise within the channel. As the combination fails to teach all of Applicants' claimed limitations, Applicants respectfully request reconsideration of the rejection.

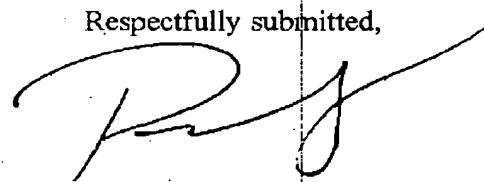
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CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants respectfully submit that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,



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